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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

9 FELTON L. MATTHEWS, JR., ) 3:08-cv-00322-LRH-RAM  
10 Plaintiff, )  
11 vs. ) ORDER  
12 ROBERT LEGRAND, et al., )  
13 Defendants. )

The court has considered the report and recommendation of the  
United States Magistrate Judge (#147) filed on August 7, 2009, in  
which the Magistrate Judge recommends that this court grant the  
defendant Joseph Ferro's motion to dismiss, or in the alternative,  
motion for summary judgment (#62). Plaintiff has opposed (#70), and  
defendant has replied (#71). Additionally, the Magistrate Judge  
recommends that this court deny plaintiff's motion for injunctive  
relief (#60). Defendants have opposed (#66) and plaintiff has replied  
(#73).

The court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636

1 and applicable case law, and good cause appearing, the court hereby  
2 **ADOPTS AND ACCEPTS** the report and recommendation of the United  
3 States Magistrate Judge (#147). Therefore, defendant Joseph Ferro's  
4 motion to dismiss, or in the alternative, motion for summary judgment  
5 (#62) is **GRANTED** and plaintiff's motion for injunctive relief (#60)  
6 is **DENIED**.

7 It is so ORDERED.

8 DATED: This 22nd day of September, 2009.

*[Signature]*  
UNITED STATES DISTRICT JUDGE